

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

In the Matter of )

NOV 19 2004

Reclassification of License of FM )  
Station KIOC(FM), Orange, Texas )

RM-10778

Federal Communications Commission  
Office of Secretary

To: Secretary to forward to Assistant Chief, Audio Division, Media Bureau

**STATEMENT IN RESPONSE TO ORDER TO SHOW CAUSE**

Capstar TX Limited Partnership ("Capstar"), the licensee of Station KIOC(FM), Channel 291C, Orange, Texas (Facility ID No. 33060), by its attorneys, hereby responds to the Order to Show Cause, DA 04-3170 (released October 8, 2004) in the above-captioned proceeding (the "*Order to Show Cause*").

The *Order to Show Cause* stated that a petition for rule making to allot Channel 292A at Glenmora, Louisiana, filed by Charles Crawford ("Crawford") proposes the reclassification of Station KIOC(FM), Orange, Texas, from Class C to a Class C0, pursuant to note 2 of Section 1.420(g) of the Commission's Rules. The *Order to Show Cause* provides Clear Channel the opportunity until November 22, 2004, to file a written statement as to why the license for Station KIOC(FM) should not be modified to a Class C0 facility as proposed.

This written statement responds to the *Order to Show Cause*. Pursuant to note 2 of Section 1.420(g), note 4 of Section 73.3573, and Section 1.87 of the Commission's Rules, Clear Channel hereby states its intent to seek to modify

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Station KIOC(FM)'s facilities by the filing of an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT and specifying an effective radiated power of 100 kW. Clear Channel intends to file such an application with the Commission within 180 days of November 22, 2004, as provided by the Commission's Rules. Consequently, the license of Station KIOC(FM) should *not* be reclassified as requested by Crawford. Moreover, as set forth in note 2 of Section 1.420(g) of the Commission's Rules, Crawford's petition must be dismissed upon the filing by Clear Channel of an acceptable construction permit application to increase the antenna height of Station KIOC(FM) to at least 451 meters HAAT.

Respectfully submitted,

**CAPSTAR TX LIMITED  
PARTNERSHIP**

By: 

Marissa G. Repp

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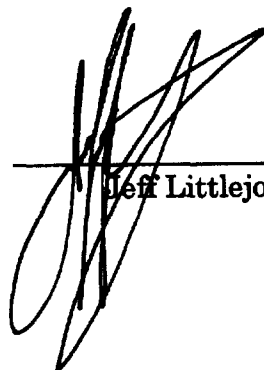
November 19 , 2004

## **DECLARATION**

I, Jeff Littlejohn, declare as follows:

1. I am Senior Vice President of Clear Channel Broadcasting Licenses, Inc. ("Clear Channel").
2. Clear Channel hereby states its intent to seek to modify the facilities of Station KIOC(FM), Channel 291C, Orange, Texas (Facility ID No. 33060), by the filing of an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT and specifying an effective radiated power of 100 kW. Clear Channel intends to file such application with the Commission within 180 days of November 22, 2004, as provided by the Commission's Rules.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.



Jeff Littlejohn

Executed on November 19, 2004

## Certificate of Service

I, Christine Reilly, hereby certify that on this 19<sup>th</sup> day of November 2004, a copy of the foregoing Statement in Response to Order to Show Cause was sent by first-class mail, postage prepaid, to:

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